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5 Attorney for Plaintiffs
6 JAMES MCGIBNEY
VIAVIEW, INC

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 JAMES MCGIBNEY, an individual, and
13 VIAVIEW, INC, a corporation,

14 Plaintiffs,

15 vs.

16 THOMAS RETZLAFF, an individual,
NEAL RAUHAUSER, an individual,
LANE LIPTON, an individual, and
DOES 1-5, individuals whose true names are not
17 known,

18 Defendants.

19) Case No.: 5:14-cv-01059 BLF
20)
21) JOINT STIPULATION AND [PROPOSED]
22) ORDER EXTENDING TIME TO RESPOND
23) TO DEFENDANT LIPTON'S MOTION TO
24) DISMISS AND MOTION TO STRIKE
25)
26)
27)
28)

Plaintiff James McGibney, an individual, and ViaView, Inc., a corporation (collectively, "Plaintiffs"), together with Defendant Lane Lipton ("Defendant"), by and through counsel (collectively, the "Parties"), submit the following joint stipulation and proposed order pursuant to Local Rule 6-2. In support thereof, Plaintiffs' counsel Jason S. Leiderman declares as follows:

1. In response to the Complaint in this case, Defendant Lane Lipton filed a Motion to Dismiss and a Special Motion to Strike Pursuant to Cal. Civ. Proc. Sec. 425.16 on July 3, 2014 ("Pending Motions").

1 (See Docket Nos. 15, 16.) The hearing date for the Pending Motions is set for September 18, 2014.

2 Plaintiffs' response to the Pending Motions is set for July 17, 2014.

3 2. Plaintiffs' counsel was out of the country from June 4, 2014 until July 8, 2014. The month-long
4 hiatus has created a backlog of work not just in this case, but other cases in which counsel is attorney of
5 record.

6 3. On July 10, 2014, Plaintiffs' counsel conferred with Defendant's counsel regarding an extension
7 of time to respond to the Pending Motions. Defendant's Counsel has agreed to extend the response date
8 for the Pending Motions two weeks to July 31, 2014..

9 4. The court has not modified any other time limits in this case to this date.

10 5. The court has scheduled a case management conference for November 20, 2012, with a case
11 management statement due a week prior. (See Docket No. 14.)

12 6. Extending the time to respond to Defendant's motions does not affect the court's case
13 management schedule or any other schedule set by the court.

14 7. This stipulation shall not be considered a waiver of any claims or defenses of either party.

15
16 THEREFORE, the parties request the court accept the parties' stipulation and enter an Order
17 extending Plaintiffs' time to respond to Defendant's motions until July 31, 2014.

18
19 Dated: 10 July 2014

LAW OFFICES OF JAY LEIDERMAN

20
21 By: /s/ Jay Leiderman
22 Jason S. Leiderman
23 Attorney for Plaintiffs
24 James McGibney
ViaView, Inc.
jay@criminal-lawyer.me

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27 //
28 //

1 Dated: 10 July 2014

BRAUNSTEIN & BRAUNSTEIN, P.C.

2 By: /s/ Clark Anthony Braunstein

3 Clark Anthony Braunstein

4 Attorney for Defendant Lane Lipton

5 clarkbraunstein@gmail.com

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7 //

8 Dated: 10 July 2014

LAW OFFICE OF ROBERT S. GIOLITO

9 By: /s/ Robert S. Giolito

10 Robert S. Giolito

11 Attorney for Defendant Lane Lipton

12 rgiolito@giolitolaw.com

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14
15
16
17 Dated: July 16, 2014


18 HONORABLE BETH LABSON FREEMAN
19 UNITED STATES DISTRICT JUDGE